

REMARKS

The present amendment is submitted in response to the Office Action entered on May 24, 2007. A three month petition for extension of time is also submitted herewith. Claims 8-14 are pending (claims 1-7 and 15-48 having been withdrawn). Claims 9 and 10 were rejected under 35 U.S.C. §112, second paragraph as indefinite. Claims 8-11, 13 and 14 were rejected under §102(b) as anticipated by U.S. Pat. No. 5,625,614 issued to Taniguchi (Taniguchi). Claim 12 was rejected under §103 as being obvious in view of Taniguchi in combination with U.S. Pat. No. 5,485,449 issued to Nakajo (Nakajo). Claims 8, 9 and 10 are hereby amended. Reconsideration and reexamination in view of the amendments and arguments submitted herewith is respectfully requested.

Claims 9 and 10 were rejected under 35 U.S.C. §112, second paragraph as indefinite. More specifically, the Examiner contended that it was not clear which providing step these claims refer to. Claims 9 and 10 are hereby amended. Applicant respectfully submits that the amendments clarify which providing step the claims refer to and thus address the §112 rejection.

Claims 8-11, 13 and 14 were rejected under §102(b) as anticipated by Taniguchi. Of these, claim 8 is independent and claims 9-11, 13 and 14 depend from claim 8. Claim 8 is amended to recite that “each strategy [is] such as to create signals of the same mark length (or pit length) as those that would have been created by the other strategy.” Support for the amendment can be found throughout the specification including, for example, p 22, lines 1 and 2 which recite that “the signals (b) and (c) are recorded so as to produce the same pit length.” It is noted that the signals (b) and (c) indicate the two different strategies.

Thus, the embodiment of claim 8 recites a system in which the two strategies are such as to not cause any variations in pit length based on the choice of strategy. Instead, the strategies are

intended to cause variations in pit width by varying the power of the laser while keeping the pit length the same.¹

Taniguchi does not disclose varying the power of a laser according to two different strategies while at the same time ensuring that the pit length stays the same regardless of which strategy is used. On the contrary, Taniguchi discloses that the pit length is to change depending on settings (i.e. strategies used). See, e.g., Abstract, Fig. 6, col. 7, lines 17-33.

The above recited features of claim 8 can provide significant beneficial results. For example, an embodiment of the system of claim 8 can utilize the two strategies to selectively choose whether to record using wider or narrower pits. Using narrower pits tends to avoid one type of optical disk reading error (crosstalk) while increasing the likelihood of another (jitter). On the other hand, using wider pits tends to prevent jitter while increasing the likelihood of crosstalk.

Different types of data that may be recorded on an optical disk may be more or less susceptible to the different types of error, depending on the devices that are intended to read the data. For example, data intended to be read by a computer may be more vulnerable to jitter than to crosstalk, while audio data intended to be read by an optical disk audio player may be more susceptible to crosstalk than to jitter. Thus, embodiments of the present invention may select one of two strategies to selectively prioritize the reduction of jitter or crosstalk in order to improve the quality of the recording in light of the types of device that are intended to read it.

On the other hand, the fact that the embodiment of claim 8 does not change the pit length based on the strategy being used prevents the necessity of further complexities at the reader. As noted above, these benefits are not disclosed or suggested by Taniguchi.

¹ While claim 8 does recite changing a pulse width for the different strategies, that does not necessarily result in a changed pit length. More specifically, the change of pulse length may be used to compensate for changes in pit length resulting from different strength lasers. For example, a stronger laser may create slightly longer pits as would have been created by a weaker laser with the same pulse length. Thus, to ensure that the pits stay the same size regardless of the strategy being used, the pulse length of the stronger laser may be slightly decreased.

Applicant respectfully contends that claim 8 is patentable over Taniguchi for the reasons discussed above. Claims 9-1, 13 and 14 are patentable because they depend from patentable claim 8.

Claim 12 was rejected under §103 as being obvious in view of Taniguchi in combination with Nakajo. Claim 12 depends upon claim 8 which is patentable in view of Taniguchi for the reasons discussed above. Therefore, claim 12 is also patentable in view of Taniguchi.

Nakajo discloses a system which controls a laser recorder based on a recording rate or speed. Nakajo does not disclose "providing a first strategy and a second strategy for ... the same recording rate and the same linear velocity" as recited by claim 8. Furthermore, Nakajo does not disclose "the first strategy being designed to shorten the pulse width of the laser drive signal and increase the power of the laser beam as compared to the second strategy, the second strategy being designed to lengthen the pulse width of the laser drive signal and decrease the power of the laser beam as compared to the first strategy, each strategy being such as to create signals of the same mark length (or pit length) as those that would have been created by the other strategy" as recited by claim 8. Therefore, Nakajo does not cure the deficiencies of Taniguchi with respect to parent claim 8.

Therefore, it is respectfully submitted that claim 12 which depends from claim 8 is patentable in view of Taniguchi in combination with Nakajo.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032043800.

Dated: November 26, 2007

Respectfully submitted,

By 

Hristo Vachovsky

Registration No. 55,694

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5200